

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 757

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Offered March 23, 2010.

Senate Substitute adopted, March 23, 2010.

Taken up for Perfection March 23, 2010. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4331S.02P

AN ACT

To repeal sections 37.850 and 55.030, RSMo, and to enact in lieu thereof three new sections relating to the oversight of public funds, with an expiration date for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 37.850 and 55.030, RSMo, are repealed and three new sections enacted in lieu thereof to be known as sections 33.850, 37.850, and 55.030, to read as follows:

33.850. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Recovery Accountability and Transparency", to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

2. The committee shall consist of the following eight members:

(1) Four members of the senate appointed by the president pro tem of the senate, two of whom shall be from the majority party and two of whom shall be from the minority party; and

(2) Four members of the house of representatives appointed by the speaker of the house of representatives, two of whom shall be from the majority party and two of whom shall be from the minority party.

3. The appointment of the senate and house members shall continue during the member's term of office as a member of the general

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 assembly or until a successor has been appointed to fill the member's
15 place when his or her term of office as a member of the general
16 assembly has expired.

17 4. The committee shall coordinate and conduct oversight of
18 covered funds in order to prevent fraud, waste, and abuse, including:

19 (1) Reviewing whether the reporting of contracts and grants
20 using covered funds meets applicable standards and specifies the
21 purpose of the contract or grant and measures of performance;

22 (2) Reviewing whether competition requirements applicable to
23 contracts and grants using covered funds have been satisfied;

24 (3) Determining whether the funds received from the American
25 Recovery and Reinvestment Act, as passed by the 111th United States
26 Congress, should be utilized to buy back a portion of the state's
27 unredeemed tax credits at a discounted rate;

28 (4) Reviewing covered funds to determine whether wasteful
29 spending, poor contract or grant management, or other abuses are
30 occurring and referring matters it considers appropriate for
31 investigation to the attorney general or the agency that disbursed the
32 covered funds;

33 (5) Receiving regular reports from the commissioner of the office
34 of administration, or his or her designee, concerning covered funds;
35 and

36 (6) Reviewing the number of jobs created using these funds.

37 5. The committee shall submit annual reports to the governor
38 and general assembly, including the senate appropriations committee
39 and house budget committee, that summarize the findings of the
40 committee with regard to its duties in subsection 4 of this section. All
41 reports submitted under this subsection shall be made publicly
42 available and posted on the governor's web site, the general assembly
43 web site, and each state agency web site. Any portion of a report
44 submitted under this subsection may be redacted when made publicly
45 available, if that portion would disclose information that is not subject
46 to disclosure under chapter 610, or any other provision of state law.

47 6. (1) The committee shall make recommendations to agencies
48 on measures to prevent fraud, waste, and abuse relating to covered
49 funds.

50 (2) Not later than thirty days after receipt of a recommendation

51 under subdivision (1) of this subsection, an agency shall submit a
52 report to the governor and general assembly, including the senate
53 appropriations committee and house budget committee, and the
54 committee that states:

55 (a) Whether the agency agrees or disagrees with the
56 recommendations; and

57 (b) Any actions the agency will take to implement the
58 recommendations.

59 7. (1) The committee may:

60 (a) Review audits from the state auditor and conduct reviews
61 relating to covered funds; and

62 (b) Receive regular testimony from the state auditor relating to
63 audits of covered funds.

64 (2) In conducting reviews under this subsection, the committee
65 may issue subpoenas to compel the testimony of persons who are not
66 federal officers or employees and may enforce such subpoenas in the
67 same manner as provided by the supreme court rules.

68 8. (1) Not later than thirty days after the date on which all
69 initial members of the committee have been appointed, the committee
70 shall hold its first meeting. Thereafter, the committee shall meet at the
71 call of the chairperson of the committee.

72 (2) A majority of the members of the committee shall constitute
73 a quorum, but a lesser number of members may hold hearings.

74 9. The committee may hold such hearings, sit and act at such
75 times and places, take such testimony, and receive such evidence as the
76 committee considers advisable to carry out the provisions of this
77 section. Each agency of this state shall cooperate with any request of
78 the committee to provide such information as the committee deems
79 necessary to carry out the provisions of this section. Upon request of
80 the committee, the head of each agency shall furnish such information
81 to the committee. The head of each agency shall make all officers and
82 employees of that agency available to provide testimony to the
83 committee and committee personnel. The committee may issue
84 subpoenas to compel the testimony of persons who are not federal
85 officers or employees at such public hearings. Any such subpoenas may
86 be enforced in the same manner as provided by the supreme court
87 rules.

88 **10. The committee may enter into contracts with public agencies**
89 **and with private persons to enable the committee to discharge its**
90 **duties under the provisions of this section, including contracts and**
91 **other arrangements for studies, analyses, and other services.**

92 **11. As used in this section, the term "covered fund" shall mean**
93 **any moneys received by the state or any political subdivision under the**
94 **American Recovery and Reinvestment Act of 2009, as enacted by the**
95 **111th United States Congress.**

96 **12. This section shall expire March 1, 2013.**

37.850. 1. The commissioner of administration shall maintain the
2 Missouri accountability portal established in executive order 07-24 as a free,
3 Internet-based tool allowing citizens to demand fiscal discipline and
4 responsibility.

5 2. The Missouri accountability portal shall consist of an easy-to-search
6 database of financial transactions related to the purchase of goods and services
7 and the distribution of funds for state programs.

8 3. The Missouri accountability portal shall be updated each state business
9 day and maintained as the primary source of information about the activity of
10 Missouri's government.

11 **4. The governor shall submit a daily report stating all amounts**
12 **withheld from the state's operating budget for the current fiscal year,**
13 **as authorized by article IV, section 27 of the Missouri Constitution**
14 **which shall be:**

15 **(1) Conspicuously posted on the accountability portal web site;**

16 **(2) Searchable by the amounts withheld from each individual**
17 **fund; and**

18 **(3) Searchable by the total amount withheld from the operating**
19 **budget.**

20 **5. The Missouri accountability portal shall display the expenses**
21 **incurred by or reimbursed to any state employee or elected or**
22 **appointed official for any travel out of the state.**

55.030. The county auditor of a county [of the first class] having a charter
2 form of government shall prescribe, with the approval of the governing body of the
3 county and the state auditor, the accounting system of the county. He shall keep
4 accounts of all appropriations and expenditures made by the governing body of
5 the county; and no warrant shall be drawn or obligation incurred without his

6 certification that an unencumbered balance, sufficient to pay the same, remains
7 in the appropriation account against which such warrant or obligation is to be
8 charged. He shall audit and examine all accounts, demands, and claims of every
9 kind and character presented for payment against such county, and shall approve
10 to the governing body of the county all lawful, true, and just accounts, demands,
11 and claims of every kind and character payable out of the county revenue or out
12 of any county funds before the same shall be allowed and a warrant issued
13 therefor. Whenever the county auditor deems it necessary to the proper
14 examination of any account, demand, or claim, he may examine the parties,
15 witnesses, and others on oath or affirmation touching any matter or circumstance
16 in the examination of such account, demand, or claim. At the direction of the
17 governing body of the county, he shall audit the accounts of all officers and
18 employees of the county and upon their retirement from office and shall keep a
19 correct account between the county and all county officers; and he shall examine
20 all records and settlements made by them for and with the governing body of the
21 county or with each other; and the county auditor shall, at all reasonable times,
22 have access to all books, county records, or papers kept by any county or township
23 officer, employee, or road overseer. He may keep an inventory of all county
24 property under the control and management of the various officers and
25 departments and shall annually take an inventory of any such property at an
26 original value of [two hundred fifty] **one thousand** dollars or more showing the
27 amount, location and estimated value thereof. He shall perform such other duties
28 in relation to the fiscal administration of the county as the governing body of the
29 county shall from time to time prescribe. The county auditor shall not be
30 personally liable for any costs for any proceeding instituted against him in his
31 official capacity.

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